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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KSENIA SHNYRA, ALEXANDER REYNGOLD, and
KENNETH WALKER,

Plaintiffs,

- against -

STATE STREET BANK AND TRUST CO., INC.,

Defendant.

19-CV-02420 (GHW)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Declaration of David A. Tauster, dated October 21, 2020, together with the exhibits annexed thereto, the accompanying Memorandum of Law in Support, dated October 21, 2020, and all prior pleadings and proceedings herein, Defendant State Street Bank and Trust Co., Inc. (“State Street”) will move this Court before the Honorable Gregory H. Woods, at the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Federal Rule of Civil Procedure (“FRCP”) 37:

- (1) Dismissing the Complaint in its entirety pursuant to FRCP 37(b)(2)(A)(v);
- (2) Imposing any other or further sanction which the Court deems warranted pursuant to FRCP 37(b)(2)(A) including, but not limited to:

- a. Prohibiting Plaintiffs from offering evidence in support of their claims pursuant to FRCP 37(b)(2)(A)(i)
 - b. Striking Plaintiffs' discovery demands and/or certain allegations from the Complaint pursuant to FRCP 37(b)(2)(A)(iii);
 - c. Treating Plaintiffs' and/or their counsel's non-compliance with the Court's orders as contempt of court pursuant to FRCP 37(b)(2)(A)(vii);
- (3) Compelling the production of all outstanding interrogatory responses, interrogatory verifications and documents pursuant to FRCP 37(a)(3)(B)(iii) and (iv) within seven (7) calendar days;
- (4) Awarding State Street its reasonable expenses, including attorney's fees, pursuant to FRCP 37(a)(5)(A) and 37(b)(2)(C); and
- (5) Such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's order dated October 15, 2020, *see* Docket Entry 65, any and all papers you wish to file in response to this Motion must be served on the undersigned no later than October 28, 2020.

Dated: October 21, 2020
Jericho, New York

NIXON PEABODY LLP

By: /s/ David A. Tauster
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TO: All counsel of record (via ECF)